

House File 552 - Introduced

HOUSE FILE 552
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 53)

A BILL FOR

1 An Act providing for placement, release, notice, and safety
2 procedures relating to sex offenders and nursing facilities,
3 residential care facilities, and assisted living programs,
4 and providing penalties and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **135C.23A Sex offender notification.**

2 1. Upon commitment of a person required to register as a sex
3 offender as provided in section 692A.103 to a nursing facility,
4 residential care facility, or assisted living program as
5 defined in section 231C.2, that agrees to the commitment, the
6 clerk of the committing court shall notify the department of
7 inspections and appeals and the admitting facility or program.

8 2. Prior to admission of a resident or tenant to a nursing
9 facility, residential care facility, or assisted living
10 program, the facility or program shall access and search the
11 sex offender registry established in chapter 692A to determine
12 whether the resident or tenant is a person required to register
13 as a sex offender, as provided in section 692A.103.

14 3. Upon the admission of a person required to register as a
15 sex offender, a nursing facility, residential care facility, or
16 assisted living program shall provide notice of the admission,
17 in accordance with the federal Health Insurance Portability and
18 Accountability Act of 1996, Pub. L. No. 104-191, other state
19 and federal regulations, and rules adopted by the department,
20 to all of the following persons:

21 a. Residents or tenants of the facility or program.

22 b. The emergency contact person or the person on record with
23 the facility or program as the next of kin for residents or
24 tenants of the facility or program.

25 c. Operators, owners, managers, or employees of the facility
26 or program.

27 d. Visitors to the facility or program.

28 e. The sheriff for the county in which the facility or
29 program is located. The sheriff shall notify local law
30 enforcement agencies.

31 4. Upon the admission of a person required to register as a
32 sex offender, a nursing facility, residential care facility, or
33 assisted living program shall develop and implement a written
34 safety plan for each such person in accordance with rules
35 adopted by the department.

1 5. The requirement of a nursing facility, residential
2 care facility, or assisted living program under this section
3 to provide notice pursuant to subsection 3 or to develop and
4 implement a written safety plan pursuant to subsection 4 is
5 contingent upon the commencement of operations of a state
6 or private facility, as noticed by the department of human
7 services, that offers adequate placements for persons who are
8 required to register as a sex offender pursuant to chapter 692A
9 and who require the type of medical and personal care provided
10 by a nursing facility, residential care facility, or assisted
11 living program.

12 6. The department shall establish by rule, all of the
13 following:

14 a. The requirements of the notice required under this
15 section. The rules shall include but are not limited to
16 provisions for the method of notice and time of notice to each
17 of the persons enumerated in subsection 3.

18 b. The requirements of a safety plan for persons required
19 to register as a sex offender who are admitted by a nursing
20 facility, residential care facility, or assisted living
21 program. The rules shall include but are not limited to all of
22 the following:

23 (1) A plan for the safety of residents, tenants, and staff
24 of the facility or program.

25 (2) A plan for the safety of others when community functions
26 are held at a facility or program and when a person required to
27 register as a sex offender is not on the premises of a facility
28 or program but the person remains within the care, custody, and
29 control of the facility or program.

30 (3) A provision to establish the responsibilities of a
31 nursing facility, residential care facility, and assisted
32 living program and the operators, owners, managers, and
33 employees of facilities and programs in implementing a safety
34 plan.

35 (4) A provision for the timely development and

1 implementation of a safety plan.

2 7. The department shall work with interested stakeholders
3 in developing the proposed rules under this section.

4 8. A violation of this section is subject to the imposition
5 of a civil penalty in accordance with rules adopted by the
6 department pursuant to this section.

7 Sec. 2. Section 229A.8A, subsection 5, Code 2013, is amended
8 to read as follows:

9 5. ~~Committed~~ Except as provided in subsection 6A, committed
10 persons in the transitional release program are not necessarily
11 required to be segregated from other persons.

12 Sec. 3. Section 229A.8A, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6A. Persons in the transitional release
15 program shall not be released to a health care facility as
16 defined in section 135C.1 or an assisted living program as
17 defined in section 231C.2.

18 Sec. 4. Section 229A.9A, Code 2013, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 3A. If a release with or without
21 supervision is ordered, the committed person shall not be
22 released to a health care facility as defined in section 135C.1
23 or an assisted living program as defined in section 231C.2.

24 Sec. 5. Section 231C.3, subsection 9, Code 2013, is amended
25 to read as follows:

26 9. An assisted living program shall comply with ~~section~~
27 sections 135C.23A and 135C.33.

28 Sec. 6. Section 231C.5A, Code 2013, is amended to read as
29 follows:

30 **231C.5A ~~Assessment~~ Admission and assessment of tenants —**
31 **program eligibility.**

32 1. An assisted living program receiving reimbursement
33 through the medical assistance program under chapter 249A shall
34 assist the department of veterans affairs in identifying, upon
35 admission of a tenant, the tenant's eligibility for benefits

1 through the United States department of veterans affairs. The
 2 assisted living program shall also assist the commission of
 3 veterans affairs in determining such eligibility for tenants
 4 residing in the program on July 1, 2009. The department of
 5 inspections and appeals, in cooperation with the department of
 6 human services, shall adopt rules to administer this section,
 7 including a provision that ensures that if a tenant is eligible
 8 for benefits through the United States department of veterans
 9 affairs or other third-party payor, the payor of last resort
 10 for reimbursement to the assisted living program is the medical
 11 assistance program. The rules shall also require the assisted
 12 living program to request information from a tenant or tenant's
 13 personal representative regarding the tenant's veteran status
 14 and to report to the department of veterans affairs only the
 15 names of tenants identified as potential veterans along with
 16 the names of their spouses and any dependents. Information
 17 reported by the assisted living program shall be verified by
 18 the department of veterans affairs.

19 2. An assisted living program is not required to enter
 20 into a lease or occupancy agreement with an individual through
 21 court order, referral, or other means without the express prior
 22 approval of the manager of the assisted living program.

23 Sec. 7. Section 231C.14, subsection 1, Code 2013, is amended
 24 by adding the following new paragraph:

25 NEW PARAGRAPH. d. Noncompliance with section 135C.23A.

26 Sec. 8. Section 602.8102, Code 2013, is amended by adding
 27 the following new subsection:

28 NEW SUBSECTION. 152. Notify the department of inspections
 29 and appeals and the admitting entity upon commitment of a
 30 person required to register as a sex offender as provided in
 31 section 692A.103 to a nursing facility or residential care
 32 facility as defined in section 135C.1, or an assisted living
 33 program as defined in section 231C.2, that agrees to the
 34 commitment.

35 Sec. 9. PLACEMENT OF PERSONS REQUIRED TO REGISTER.

1 1. For purposes of this section, "adequate placement" means
2 a placement that will provide the level of care necessary for
3 a person including the level of care provided by a nursing
4 facility or residential care facility.

5 2. Upon the completion of a request for proposals process
6 as allowed under this section and commencement of operations
7 of a state or private facility offering adequate placement
8 under this section through December 31, 2014, the department of
9 human services, in compliance with federal and state law, shall
10 secure adequate placements for persons required to register
11 as a sex offender pursuant to chapter 692A who are being
12 released from the custody of the department of corrections
13 or a judicial district department of correctional services
14 and require the type of medical and personal care provided by
15 a nursing facility, residential care facility, or assisted
16 living program; who are being discharged or transferred from
17 nursing facilities, residential care facilities, or assisted
18 living programs pursuant to a provision of this Act; or who
19 require the type of medical and personal care provided by
20 nursing facilities, residential care facilities, or assisted
21 living programs when the persons are unable to gain access
22 to a facility or program because the persons are required to
23 register on the sex offender registry.

24 3. The department of human services may use a state facility
25 to provide care for such persons or may conduct a request for
26 proposal process to contract with a private facility to care
27 for such persons. A request for proposals shall identify the
28 reimbursement rate, the necessary staffing and the necessary
29 training for staff in the facility or program, and the
30 necessary security measures to ensure the safety of residents,
31 staff, and visitors of the facility or program. The department
32 of human services shall begin the request for proposals process
33 no later than September 1, 2013.

34 4. The department of human services shall secure an adequate
35 placement for such a person within ten business days of being

1 notified by the department of corrections, the department of
2 inspections and appeals, or a nursing facility, residential
3 care facility, or assisted living program that placement is
4 needed for such person, provided that such period shall not
5 commence until the department of public safety receives and
6 approves registration data and makes such data available on
7 the sex offender registry internet site pursuant to section
8 692A.121, subsection 12.

9 5. The department of human services shall notify the general
10 assembly as provided in section 7A.11 and the governor in
11 writing of the commencement of operations of a state or private
12 facility offering adequate placements under this section.

13 Sec. 10. WORKFORCE DEVELOPMENT TASK FORCE.

14 1. The department of human services shall convene and
15 provide support to a health and mental health services for
16 sexual offender workforce development task force to address
17 issues connected with ensuring that an adequate workforce is
18 available in the state to provide health and mental health
19 services to persons required to register as a sex offender
20 pursuant to section 692A.103. The task force shall report at
21 least annually to the governor and general assembly providing
22 findings, recommendations, and financing information concerning
23 the findings and recommendations.

24 2. The membership of the task force shall include all of the
25 following:

26 a. The director of the department on aging or the director's
27 designee.

28 b. The director of the department of corrections or the
29 director's designee.

30 c. The director of the department of education or the
31 director's designee.

32 d. The director of human services or the director's
33 designee.

34 e. The director of the department of public health or the
35 director's designee.

1 f. The director of the department of workforce development
2 or the director's designee.

3 g. At least three individuals who are required to register
4 as a sex offender and who are receiving mental health or health
5 services, or relatives of such individuals.

6 h. At least three providers of mental health or health
7 services for individuals who are required to register as a sex
8 offender.

9 i. At least three representatives of the direct care
10 workforce who provide direct care to persons required to
11 register as a sex offender who have personal, mental health, or
12 health care needs.

13 j. At least three individuals who are survivors of sexual
14 assault, or relatives of such individuals.

15 k. Other persons identified by the task force.

16 3. In addition to the members identified in subsection
17 2, the membership of the task force shall include four
18 members of the general assembly serving in a ex officio,
19 nonvoting capacity. One member shall be designated by each
20 of the following: the majority leader of the senate, the
21 minority leader of the senate, the speaker of the house of
22 representatives, and the minority leader of the house of
23 representatives. A legislative member serves for a term as
24 provided in section 69.16B.

25 4. Except as provided in subsection 3 for legislative
26 appointments, the task force shall determine its own rules of
27 procedure, membership terms, and operating provisions.

28 Sec. 11. FACILITY FOR SEXUAL OFFENDERS COMMITTEE AND
29 REPORT.

30 1. The department of inspections and appeals, in
31 conjunction with the department of human services, shall
32 establish and facilitate the activities of a committee of
33 stakeholders to examine options for designating a facility to
34 provide care for persons in this state who are required to
35 register as a sex offender pursuant to section 692A.103 and

1 require the type of personal or medical care provided at a
2 nursing facility, residential care facility, or assisted living
3 program.

4 2. The membership of the committee shall include but is not
5 limited to the following:

6 a. Representatives of the departments of inspections
7 and appeals, human services, public health, corrections, and
8 aging, the office of the state public defender, the office of
9 the citizens' aide, the office of the state long-term care
10 resident's advocate, and the judicial branch.

11 b. Consumers of services provided by health care facilities
12 and family members of consumers.

13 c. Representatives of the health care industry and industry
14 associations.

15 d. Direct care workers employed by health care facilities.

16 e. Representatives from the Iowa legal aid.

17 f. Representatives from AARP Iowa.

18 g. Representatives from the Iowa civil liberties union.

19 h. Representatives of the Iowa coalition against sexual
20 assault.

21 i. Other stakeholders as the department of inspections and
22 appeals and the department of human services deem necessary.

23 j. Four ex officio, nonvoting members from the general
24 assembly with not more than one member from each chamber being
25 from the same political party. The two senators shall be
26 appointed, one each, by the majority leader of the senate and
27 the minority leader of the senate. The two representatives
28 shall be appointed, one each, by the speaker of the house
29 of representatives and the minority leader of the house of
30 representatives.

31 3. The committee shall discuss and make recommendations on
32 all of the following:

33 a. Options to create a new facility or assist an existing
34 facility to expand services to provide care for persons who
35 are no longer under judicial control, but who are required to

1 register as sex offenders, and require the type of personal
 2 or medical care provided at a nursing facility, residential
 3 care facility, or assisted living program. The committee shall
 4 identify the characteristics of a client for such a facility,
 5 the need for such a facility, options for creating a new
 6 facility to house such persons, options for the expansion of
 7 an existing facility to house such persons, options for using
 8 any alternative facilities for such purposes, options for a
 9 public-private partnership for such a facility, options for
 10 using part of a mental health institute to house such persons,
 11 options to qualify a facility for Medicaid reimbursement, cost
 12 projections for any recommendations, regulatory challenges,
 13 and other information deemed relevant by the department of
 14 inspections and appeals and the department of human services.

15 b. The responsibility of the court, the clerk of the
 16 district court, the department of corrections, or any other
 17 entity, department, or person to inform a nursing facility,
 18 residential care facility, or an assisted living program, that
 19 agrees to the commitment, of the admission of a person who is
 20 required to register as a sex offender.

21 c. The responsibility of the court, clerk of the district
 22 court, department of corrections, a facility, or any other
 23 entity, department, or person to notify persons of the
 24 discharge of a person who is required to register as a sex
 25 offender from a nursing facility, residential care facility, or
 26 assisted living program.

27 d. The requirements of a treatment safety plan for a person
 28 admitted to a nursing facility, residential care facility,
 29 or assisted living program who is required to register as a
 30 sex offender. The treatment safety plan shall address the
 31 procedure for notifying other residents of the residency of a
 32 person required to register as a sex offender.

33 e. The establishment of a formal process for the department
 34 of inspections and appeals to follow when completing facility
 35 or assisted living program inspections or surveys.

1 f. The establishment of a system for the judicial branch to
2 identify facilities with the capacity to provide an appropriate
3 placement for a person requiring commitment when the person is
4 required to register as a sex offender.

5 4. The committee shall provide a report detailing its
6 findings and recommendations to the governor and the general
7 assembly by December 15, 2013.

8 Sec. 12. EMERGENCY RULES. If specifically authorized by
9 a provision of this Act, the department of inspections and
10 appeals may adopt administrative rules under section 17A.4,
11 subsection 3, and section 17A.5, subsection 2, paragraph
12 "b", to implement the provisions and the rules shall become
13 effective immediately upon filing or on a later effective date
14 specified in the rules, unless the effective date is delayed by
15 the administrative rules review committee. Any rules adopted
16 in accordance with this section shall not take effect before
17 the rules are reviewed by the administrative rules review
18 committee. The delay authority provided to the administrative
19 rules review committee under section 17A.4, subsection 7, and
20 section 17A.8, subsection 9, shall be applicable to a delay
21 imposed under this section, notwithstanding a provision in
22 those sections making them inapplicable to section 17A.5,
23 subsection 2, paragraph "b". Any rules adopted in accordance
24 with the provisions of this section shall also be published as
25 a notice of intended action as provided in section 17A.4.

26 Sec. 13. CURRENT RESIDENTS AND TENANTS — ACCESS AND SEARCH
27 OF SEX OFFENDER REGISTRY AND NOTIFICATION.

28 1. Within three months of either of the actions described
29 in paragraph "a" or "b", whichever occurs last, a nursing
30 facility, residential care facility, or assisted living
31 program, shall access and search the sex offender registry
32 established in chapter 692A for persons who were and remain
33 residents or tenants of the facility or program prior to and
34 after either of the actions described in paragraph "a" or "b".

35 a. The adoption by the department of inspections and appeals

1 of rules regarding notification of the admission of persons
2 required to register as a sex offender to a facility or program
3 and regarding development and implementation of safety plans
4 relating to such admitted persons.

5 b. The commencement of operations of a state or private
6 facility offering adequate placements under this Act, as
7 noticed by the department of human services, that provides care
8 for persons who are required to register as a sex offender
9 pursuant to chapter 692A and who require the type of medical
10 and personal care provided by a nursing facility, residential
11 care facility, or assisted living program.

12 2. a. Upon determining that a resident or tenant is a
13 person required to register as a sex offender, the facility
14 or program shall work with the department of inspections and
15 appeals and the department of human services to transfer a sex
16 offender living in the facility or program, as an endangerment
17 to the safety of individuals in the facility or program based
18 on that person's status as a sex offender, to a state or
19 private facility, or to notify persons as required by section
20 135C.23A and the rules adopted pursuant to that section and
21 develop and implement a safety plan as required by section
22 135C.23A and rules adopted pursuant to that section.

23 b. Within three months of either of the actions described
24 in subsection 1, paragraph "a" or "b", whichever occurs last,
25 the resident or tenant shall be transferred or the facility
26 or program shall have notified persons as required by section
27 135C.23A and the rules adopted pursuant to that section and
28 shall have developed and implemented a safety plan as required
29 by section 135C.23A and the rules adopted pursuant to that
30 section.

31 c. The rules shall provide that, for purposes of this
32 section, a nursing facility, residential care facility, or
33 assisted living program has the right to discharge a current
34 resident or tenant based solely on the person's status as a sex
35 offender as that person is an endangerment to the safety of

1 individuals in the facility or program, notwithstanding section
2 135C.23, subsection 3.

3 3. The department of human services shall notify the
4 department of inspections and appeals in writing of the
5 commencement of operations of a state or private facility
6 offering adequate placements under this Act. Upon receiving
7 this notice, the department of inspections and appeals
8 shall provide notice to nursing facilities, residential care
9 facilities, and assisted living programs of the commencement
10 of operations of a state or private facility offering adequate
11 placements under this Act.

12 Sec. 14. FUTURE RESIDENTS AND TENANTS — DISCHARGE. If
13 a tenant or resident has been added to the sex offender
14 registry after a nursing facility, residential care facility,
15 or assisted living program has accessed and searched the
16 registry or if a resident or tenant is on the sex offender
17 registry of another state and the person's status was not
18 disclosed to the nursing facility, residential care facility,
19 or assisted living program, either through an act of omission
20 or misrepresentation, the rules shall provide that a nursing
21 facility, residential care facility, or assisted living program
22 has the right to discharge the resident or tenant based solely
23 on the person's status as a sex offender as that person is an
24 endangerment to the safety of individuals in the facility or
25 program, notwithstanding section 135C.23, subsection 3.

26 Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed
27 of immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill addresses the placement, release, notice, and
30 safety procedures relating to sex offenders and nursing
31 facilities, residential care facilities, and assisted living
32 programs.

33 NOTIFICATION OF COMMITMENT. The bill requires the clerk of
34 the committing court to notify the department of inspections
35 and appeals and the admitting facility or program, upon

1 commitment of a person required to register as a sex offender
2 to a nursing facility, residential care facility, or assisted
3 living program that agrees to the commitment.

4 SEX OFFENDER REGISTRY ACCESS. Before admitting a person
5 required to register as a sex offender, a nursing facility,
6 residential care facility, or assisted living program must
7 access and search the sex offender registry to determine
8 whether that person is required to register as a sex offender.

9 NOTICE OF ADMISSION/TREATMENT SAFETY PLAN. If admitting
10 a person required to register as a sex offender, a nursing
11 facility, residential care facility, or assisted living
12 program must provide notice of the admission to residents or
13 tenants; the emergency contact person or the person on record
14 as the next of kin of residents or tenants; operators, owners,
15 managers, employees; visitors of the facility or program; and
16 the sheriff for the county in which the facility or program
17 is located. The sheriff must provide notice to local law
18 enforcement agencies. The nursing facility, residential care
19 facility, or assisted living program must also develop and
20 implement a written safety plan, in accordance with rules
21 adopted by the department of inspections and appeals, for such
22 a person required to register as a sex offender. A violation
23 of these requirements may subject the facility or program to a
24 civil penalty.

25 CONTINGENCY. The requirement that a nursing facility,
26 residential care facility, or assisted living program provide
27 notice and develop and implement a written safety plan is
28 contingent on the commencement of operations of a state or
29 private facility that offers placement for persons required to
30 register as a sex offender and who need medical or personal
31 care that is generally provided by a nursing facility,
32 residential care facility, or assisted living program.

33 NOTICE OF NEW TEMPORARY FACILITY. The bill requires the
34 department of human services to notify the department of
35 inspections and appeals in writing of the commencement of

1 operations at a state or private facility as required under the
2 bill.

3 RULES. The department of inspections and appeals is
4 required to establish the requirements of the notice provided
5 by the facility or program and the requirements of the safety
6 plan. The notice requirements must include but are not limited
7 to provisions for the method of the notice and the time of
8 the notice. The requirements of the safety plan must include
9 but are not limited to a plan for the safety of residents,
10 tenants, and staff; a plan for the safety of others when
11 community functions are held at the facility or program or when
12 a person required to register as a sex offender is not on the
13 premises of the facility or program, but remains in the care
14 and custody of the facility or program; the responsibilities of
15 the facility or program and its operators, owners, managers,
16 and employees; and the timely development and implementation
17 of a safety plan.

18 SEXUALLY VIOLENT PREDATORS. The bill provides that persons
19 committed as sexually violent predators that are in the
20 transitional release program governed by Code chapter 229A
21 shall not be released to a health care facility or an assisted
22 living program. The bill further provides that a person
23 committed as a sexually violent predator shall not be released
24 to a health care facility or assisted living program when a
25 release with or without supervision is ordered. The bill makes
26 conforming amendments.

27 ASSISTED LIVING PROGRAM. The bill provides that an assisted
28 living program is not required to enter into an occupancy
29 agreement with an individual through court order, referral, or
30 other means without the express prior approval of the manager
31 of the assisted living program.

32 TEMPORARY FACILITY PLACEMENTS. The bill also addresses
33 placement of persons required to register as a sex offender
34 pursuant to Code chapter 692A. The bill requires that
35 after completion of a request for proposals process and the

1 commencement of operations of a state or private facility
2 offering adequate placement until December 31, 2014, the
3 department of human services must secure adequate placement
4 for certain persons required to register as a sex offender.
5 The department of human services must secure placement for the
6 following: a sex offender being released from the custody of
7 the department of corrections or a judicial district department
8 of correctional services when that person needs medical and
9 personal care provided by a nursing facility, residential
10 care facility, or assisted living program; a sex offender who
11 is being discharged or transferred from a nursing facility,
12 residential care facility, or assisted living program pursuant
13 to a provision of the bill; or a person who requires the type
14 of medical and personal care provided by a nursing facility,
15 residential care facility, or assisted living program who is
16 unable to gain access to a facility or program because the
17 person is required to register on the sex offender registry.
18 The bill allows the department of human services to use a state
19 facility or to conduct a request for proposals process to
20 provide care for such persons, but requires that the request
21 for proposals process begin by September 1, 2013. The bill
22 requires the department of human services to secure adequate
23 placement for such a person as described above within 10
24 business days of being notified that placement is needed. The
25 department of human services must provide notice to the general
26 assembly and the governor upon commencement of operations of
27 the facility.

28 WORKFORCE DEVELOPMENT TASK FORCE. The bill requires
29 the department of human services to establish a workforce
30 development task force to address problems in ensuring that
31 an adequate workforce is available in the state to provide
32 health and mental health services to persons who are required
33 to register as a sex offender. The task force is required to
34 report its findings, recommendations, and financing information
35 for those findings and recommendations annually to the governor

1 and the general assembly.

2 PERMANENT FACILITY COMMITTEE. The bill directs the
3 department of inspections and appeals, in conjunction with
4 the department of human services, to establish and facilitate
5 a committee to examine options for a facility for sexual
6 offenders. The committee must consider options for a facility
7 which would provide care for persons who are required to
8 register as a sex offender and require the type of care
9 ordinarily provided by a nursing facility, residential care
10 facility, or assisted living program. The committee shall
11 identify the residents to be served by the facility; the need
12 for such a facility; options for creating a new facility,
13 expanding an existing facility, or using any alternative
14 facility for the purpose of housing identified persons;
15 options to qualify a facility for Medicaid reimbursement; cost
16 projections for the recommendations; and other information
17 deemed relevant.

18 The committee must also address the responsibility of the
19 court or the clerk of court, the department of corrections,
20 or any other entity to inform a nursing facility, residential
21 care facility, or assisted living program, that agrees to
22 the commitment, of the admission of a person who is required
23 to register as a sex offender and to notify persons of the
24 discharge of such a person. The committee must consider
25 and make recommendations on the requirements of a treatment
26 safety plan for a person who is required to register as a sex
27 offender when that person is admitted to a nursing facility,
28 residential care facility, or assisted living program. The
29 committee must consider the establishment of a formal process
30 for the department of inspections and appeals to follow when
31 completing facility or assisted living program inspections or
32 surveys. The committee must also consider the establishment
33 of a system for the judicial branch to identify facilities
34 with the capacity to provide an appropriate placement for a
35 person requiring commitment when the person also is required

1 to register as a sex offender.

2 The bill requires the committee to provide a report of its
3 findings and recommendations to the governor and the general
4 assembly by December 15, 2013.

5 EMERGENCY RULES. The bill allows the department of
6 inspections and appeals to adopt emergency rules. These rules
7 are not effective unless reviewed by the administrative rules
8 review committee.

9 CURRENT RESIDENTS AND TENANTS. The bill requires nursing
10 facilities, residential care facilities, and assisted living
11 programs, after either the adoption of rules by the department
12 of inspections and appeals regarding notification and the
13 development and implementation of safety plans in a facility or
14 program or the commencement of operations of a state or private
15 facility as required by the bill, whichever occurs last,
16 to access and search the sex offender registry for persons
17 who were and remain residents or tenants of the facility or
18 program after the adoption of the rules or the commencement of
19 operations of a state or private facility.

20 After a facility or program determines that a current
21 resident or tenant is required to register, the facility or
22 program must work with the department of inspections and
23 appeals and the department of human services to either transfer
24 a sex offender to the state or private facility based on that
25 person's status as a sex offender as an endangerment to others
26 in the facility, or the facility or program must notify persons
27 as required by the bill and develop and implement a safety plan
28 for the sex offender as required by the bill.

29 The facility or program must have either transferred the
30 current resident or tenant required to register as a sex
31 offender or notified persons and developed and implemented a
32 safety plan for that resident or tenant within three months of
33 the adoption of the rules for notification and the safety plan
34 or the commencement of a state or private facility as required
35 by the bill.

1 FUTURE RESIDENTS AND TENANTS — DISCHARGE. The bill states
2 that the rules adopted by the department of inspections and
3 appeals concerning residents or tenants in a facility or
4 program at the time rules are adopted or commencement of
5 operations of a facility or program take place must state that
6 a program or facility has the right to discharge a resident or
7 tenant based solely on the person's status as a sex offender
8 and an endangerment to the safety of others. The bill also
9 requires that rules adopted by the department of inspections
10 and appeals allow a facility or program the right to discharge
11 a resident or tenant based solely on the person's status as
12 a sex offender as an endangerment to others if a tenant or
13 resident was added to the sex offender registry after the
14 facility or program accessed the registry or if a resident or
15 tenant's status was not disclosed to the facility or program.
16 The bill is effective upon enactment.